

Application of: Reed et al.
Serial No.: 10/632,097
Filed: 08/01/2003
Reply to Office Action of 06/04/2009

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

By this Amendment, independent claims 1, 12, 21, and 35 have been amended.

Support for these amendments can be found in the application as filed, *e.g.*, at pg. 22, lines 2 *et seq.*; and pg. 32, lines 7 *et seq.* No new matter has been added by these amendments.

Claims 1-49 are pending in this application.

THE PRIOR ART REJECTIONS

The Examiner has rejected claims 1, 2, 3, 5, 6, 10, 11, 30, 31, 36, 21, 24, 26, 34, 42 and 49 are rejected under 35 U.S.C. §102(e) as being anticipated by Kouznetsov (U.S. Patent No. 7,240,102, hereinafter “Kouznetsov”).

Claim 1 is amended to recite that the workstation operatively sets the IP configuration of the managed appliance “responsive to a then-current IP configuration received from the managed appliance,” by pushing a modified IP configuration to the managed appliance. The independent claims (1, 12, 21, and 35) have been amended to clarify that the managed appliance (or device) communicates to the workstation that the managed appliance (device) already has an IP address.

Thus, as recited in claim 1 (as amended), “responsive to a then-current IP configuration received from the managed appliance, [the workstation] operatively sets the IP configuration of the managed appliance across the network by pushing a modified IP configuration to the managed appliance, wherein the then-current IP configuration includes an indication that the managed appliance already has an IP address.”

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This aspect of the invention is not taught or in any way suggested by Kouznetsov.

Kouznetsov describes a system for “secure remote network appliance configuration.” Kouznetsov specifically distinguishes between “configured” and “unconfigured” appliances. In Kouznetsov, a configured appliance is one which already has a network (IP) address, whereas an unconfigured appliance is one without a network address. Kouznetsov describes a system in which unconfigured appliances are configured, but any appliance which is already configured, i.e., which already has an IP address, is left unchanged. (See, *e.g.*, “An appliance configuration for each unconfigured network appliance is requested from the network operations center. The network operations center returns configuration parameters to the configuration client and a configuration packet is sent to each unconfigured appliance.” *Kouznetsov*, col. 3, lines 3 *et seq.*; see also *Id.* col. 4, lines 49-52; and “In response, each appliance 62 sends a response message (step 66) back to the configuration client 61. Each response includes the current configured network settings in use by each appliance 62. A response containing only the media access controller (MAC) address of the appliance 62 indicates that the appliance is currently unconfigured.” *Id.* col. 8, lines 30-32).

The process flow of Kouznetsov, depicted in Figures 9A-9B (reproduced below) confirm that in Kouznetsov already configured appliances, i.e., appliances that already have a network (i.e., IP) address do not get any modification to their configurations. At step 124 Kouznetsov tests to determine whether or not an appliance is already configured (i.e., already has a network address). If so, then flow continues directly (via “A”) to step 131. Only if the appliance is unconfigured (i.e., has no IP address) does the configuration take place.

Figure 9A.

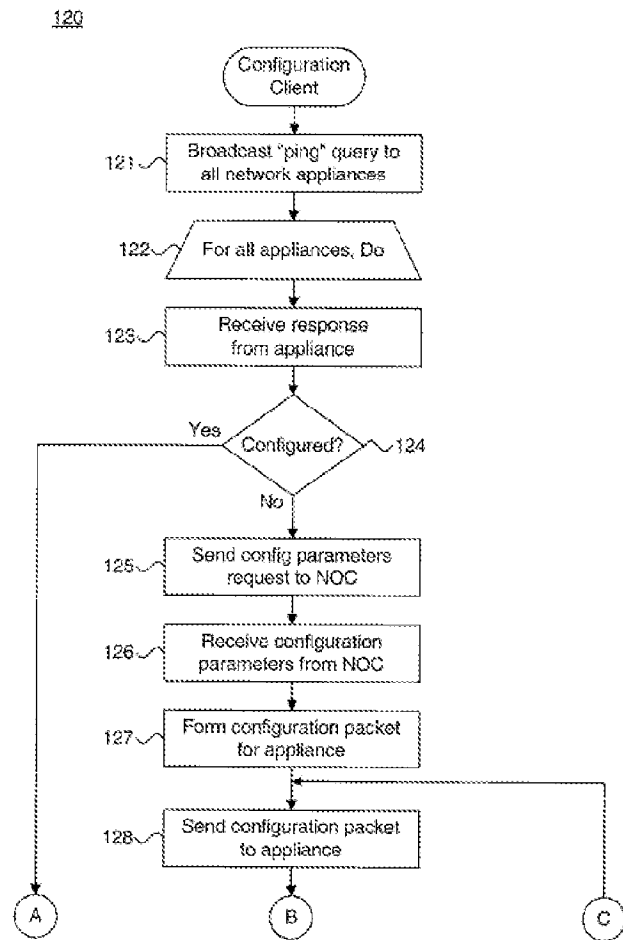


Figure 9A of Kouznetsov

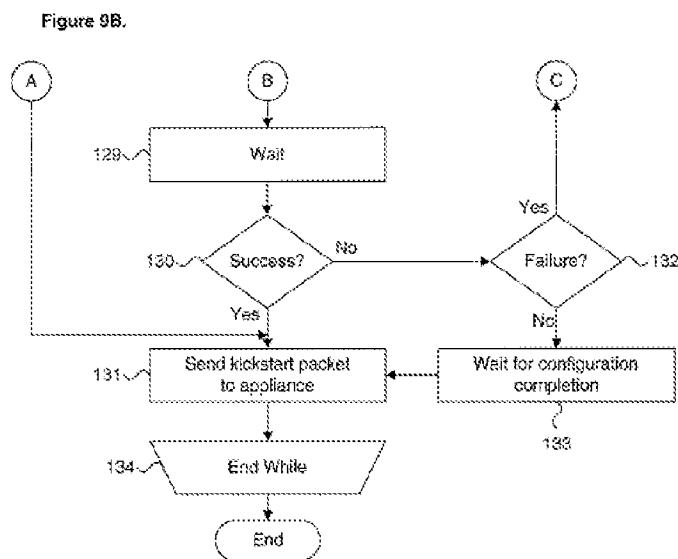


Figure 9B of Kouznetsov

Since Kouznetsov does not configure (or modify the configuration) of devices that already have IP addresses, Kouznetsov does not anticipate a system, as recited in claim 1 in which a workstation pushes a modified IP configuration to a managed appliance that is already configured. For at least these reasons, claim 1 and its dependents are patentable over Kouznetsov.

Claims 12, 21, and 35 and their dependents are similarly patentable over Kouznetsov.

Kouznetsov fails to teach or in any way suggest “modify[ing] the IP configuration of the managed appliance into a modified IP configuration,” as required by claim 12 and its dependents.

Kouznetsov fails to teach or in any way suggest “pushing an instruction message to the device instructing the device to set an IP configuration parameter including at least

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a portion of the instruction message; and ... setting the IP configuration parameter in the device in response to the instruction message,” for a device that already has an IP address, as required by claim 21 and its dependents.

And Kouznetsov fails to teach or in any way suggest “transmitting a set IP configuration request message to the device causing the device to set at least one portion of the IP configuration,” for a device that already has an IP address, as required by claim 35 and its dependents.

In view of the above, withdrawal of this rejection under §102 is respectfully requested.

In the Office Action of 06/04/2009 the Examiner remarked that “It is not understood how the act of assigning an address to a device can be done by retrieving (pulling) an address from the device.” Applicant notes that an address for a device may be assigned based on an address that the device already has, in which case the address will be assigned by pulling address from the device.

The Examiner rejected claims 35 and 45-47 under 35 U.S.C. 103(a) as being unpatentable over Salama (U.S. Patent No. 7,197,549 – hereinafter “Salama”) in view of Thomas (U.S. Patent No. 6,681,250 – hereinafter “Thomas”). The grounds for this rejection are respectfully traversed.

Claim 35 (as amended) recites a method of configuring a device across a network. The method includes transmitting a discover request message from a workstation on the network to a device on the network and transmitting a discover reply message from the

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device, the discover reply message containing at least a portion of the IP configuration of the device. Claim 35 has been amended to clarify that “the portion of the IP configuration includes an indication that the device already has an IP address.” The claim further requires the step of “transmitting a test IP configuration request message to the device,” and “causing the device to set at least one portion of the IP configuration.” These features are neither taught nor in any way suggested by Salama or Thomas, alone or in any proposed combination.

Claims 45-47 depend from claim 35 and are therefore patentable over Salama and Thomas for at least the reasons given above.

In view of the above, withdrawal of this rejection under §103 is respectfully requested.

RELATED APPLICATION

The Examiner is again reminded that this application is related to U.S. application no. 10/632,098 (“the ‘098 Application”) which is directed to related technical subject matter. The ‘098 Application issued as U.S. Patent No. 7,506,041 on March 17, 2009. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

CONCLUSION

Applicant respectfully submits that this application is in condition for allowance. An early action to that effect is earnestly solicited.

The Examiner is kindly requested to contact the undersigned at the number provided to schedule a personal interview to resolve any outstanding issues in this case.

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CHARGE STATEMENT: <i>Deposit Account No. 501860, order no. 2540-0590.</i>	
<i>The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (<u>missing or insufficiencies only</u>) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/ Order Nos. shown above, for which purpose a <u>duplicate</u> copy of this sheet is attached.</i>	
<i>This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.</i>	
<p>CUSTOMER NUMBER</p> <p>42624</p>	<p>Respectfully submitted,</p> <p>/Brian Siritzky/Reg. No. 37,497</p> <p>By:</p> <p>_____ Brian Siritzky, Ph.D. Registration No.: 37,497</p>
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